

**REMARKS**

The foregoing amendments are responsive to the October 23, 2002 Office Action. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

**Affirmation of Restriction Requirement**

Applicants affirm that Claims 13-27 are drawn to a non-elected invention and have therefore been canceled. The election of Group I, Claims 1-12, was made without traverse.

**Rejection of Claims 3-7 Under 35 U.S.C. § 112**

The Examiner rejected Claims 3-7 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter.

Claim 3 has been amended to correct antecedent basis of the recited "lineup card." The rejection of Claims 4-6 is traversed by the amendment to Claim 3. Claim 7 has been amended to correct antecedent basis of the recited "datagram." In view of the above amendments, Applicants request the Examiner to withdraw the rejection of Claims 3-7.

**Rejection of Claims 1-12 Under 35 U.S.C. § 103(a)**

The Examiner rejected Claims 1, 7-9 and 12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,878,221 to Szkopek, et al. (hereinafter "Szkopek"), in view of U.S. Patent No. 5,450,404 to Koopman, et al. (hereinafter "Koopman").

Szkopek teaches a token ring system in an asynchronous network.

Koopman teaches a method for synchronizing transceivers in a synchronous TDM network. Figure 4 of Koopman shows a Finite State Diagram (FSD) for implementing bus master arbitration in a synchronous TDM system. Figure 5 of Koopman shows a finite state diagram for implementing an Explicit Token Bus protocol with initial bus master arbitration. In describing the explicit token bus protocol, Koopman emphasizes "[T]he importance of the FSM [Finite State Machine] described by the FSD of FIG. 5 is that it uses the synchronization capability of the FSM of FIG. 4 to implement an explicit token bus protocol . . . ." (Column 14 at lines 63-66).

Synchronous and asynchronous systems are fundamentally different. Thus, one of ordinary skill in the art would not have found any suggestion to combine the asynchronous system of Szkopek with the synchronous system of Koopman. Moreover, such a combination would not yield Applicants' claimed invention as neither Szkopek nor Koopman suggest centralized token passing.

Thus, regarding Claim 1, the cited combination does not teach or suggest listening to a network medium to determine if the medium is active or inactive; establishing an active network server if the medium is inactive; and using centralized token passing for access to a the medium when the medium is active, the centralized token passing controlled by the active network server.

Regarding Claim 7, the cited combination does not teach or suggest, in combination with Claim 1, that a presence of a datagram is detected by matching a specified preamble and length sequence.

Regarding Claim 8, the cited combination does not teach or suggest, in combination with Claim 1, that access to the medium is provided by a media access control layer.

Regarding Claim 9, the cited combination does not teach or suggest, in combination with Claim 8, that the media access control layer provides control structures to implement a spare receive buffer large enough to hold a Media Access Control Header.

Regarding Claim 12, the cited combination does not teach or suggest, in combination with Claim 1, a preferred server node becomes the active server node in response to a wake-up algorithm.

The Examiner rejected Claims 2-6 under 35 U.S.C. § 103(a) as being unpatentable over Szkopek in view of Koopman, as applied to Claim 1 and further in view of U.S. Patent No. 4,491,946 to Kryskow, Jr., et al. (hereinafter "Kryskow").

Kryskow does not teach or suggest a lineup card. Thus, regarding Claim 2, the cited combination does not teach or suggest, in combination with Claim 1, that the active network server maintains a lineup card that lists one or more active client nodes.

Regarding Claim 3, the cited combination does not teach or suggest, in combination with Claim 2, that the active network server passes a token to a selected client node, the selected client node being one of the one or more active client nodes listed on the lineup card.

Regarding Claim 4, the cited combination does not teach or suggest, in combination with Claim 3, that the selected node is allowed to transmit data on the network medium only when the selected node has the token.

Regarding Claim 5, the cited combination does not teach or suggest, in combination with Claim 3, that the selected node is removed from the lineup card when the node has been inactive for a period of time.

Regarding Claim 6, the cited combination does not teach or suggest, in combination with Claim 3, that a new client node requests insertion on the lineup card by using spitting on the bus algorithm.

The Examiner rejected Claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Szkopek in view of Koopman, as applied to Claim 9 and further in view of U.S. Patent No. 5,925,105 to Hales II, et al. (hereinafter "Hales").

Regarding Claim 10, the cited combination does not teach or suggest, in combination with Claim 9, the step of sending a BUSY response from a receiving node to a transmitting node when the receiving node is swamped with previous packet requests.

The Examiner rejected Claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Szkopek in view of Koopman, as applied to Claim 1 and further in view of U.S. Patent No. 5,727,002 to Miller, et al. (hereinafter "Miller").

Regarding Claim 11, the cited combination does not teach or suggest, in combination with Claim 1, the step of issuing an auto-announce packet when a new node enters the network.

Accordingly, Applicants assert that Claims 1-12 are in condition for allowance, and Applicants request allowance of Claims 1-12.

#### Summary

In view of the above amendments and arguments, Applicants assert that Claims 1-12 are in condition for allowance, and Applicants request allowance of Claims 1-12. If there are any

Appl. No. : 89/211,950  
Filed : December 15, 1998

remaining issues that can be resolved by a telephone conference, the Examiner is invited to call the undersigned attorney at (949) 721-6305.

Respectfully submitted,  
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Mar 24, 2003

By: Lee W. Henderson  
Lee W. Henderson Ph.D.  
Registration No. 41,830  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

H:\DOCS\LVHLWH-8665.DOC  
032403